IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 691 OF 2007

IN

DRAFT NOTICE OF MOTION

IN

S.C.Suit (St) No.3062 of 2007

Intercon Real Estate
Developers Pvt.Ltd. ..Appellant

V/s

Orion Advertisers and Oras... Respondents

Shri M.M.Vashi i/b Shri Kumar Talani for the Appellant

Shri Navin Parekh i/b Ms Hetal Patel for the Respondent no.1

Shri Kishore Jain i/b Shri Tushar Gerodia for the Respondent nos.2 and 3

CORAM:S.R.SATHE,J.

DATED:5th Sept.2007

P.C.:-

1. Heard both the learned Advocate.

2. During the course of arguments it was suggested that as the Notice of Motion is pending in the Trial Court, instead of hearing the appeal the matter can be remanded back to the City Civil Court with a specific direction that notice of motion pending before the said Court should be disposed of on merits finally by giving due opportunity to both the parties.

3. Both the learned Advocates fairly submitted they have no objection for the same.

4. In view of above I pass the following order :-

i) The appellants to give inspection of the document to the respondents within a period of one week from today.

ii) On respondents' getting the inspection accordingly they should file their reply to the notice of motion within two weeks therefrom.

iii) The trial Court to dispose of Notice of motion in Short Cause Suit (Stamp) No.3062 of 2007 finally on merits by giving due opportunity to both the parties.

iv) The notice of motion is disposed of on or before

31.10.2007.

v) It is made clear that this court has not considered the merits of the case while passing this order.

v) A.O. disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(S.R.SATHE,J.)